THE COURT HOLDS THAT THE EVIDENCE DOES NOT SHOW THAT THE ALLEGED

> OFFENCE WAS COMMITTED WITH-IN THE JURISDICTION OF

GENERAL SESSIONS. Judge Cowing, in Part I of General Sessions, yes terday morning delivered another blow at the District Attorney's office and the methods used in securing indictments. He dismissed the indictment for criminal libel against Professor Nicholas Murray Butler and Charles and Henry Holt, editor and publishers of "The Educational Review." were charged by Joseph J. Little, president of the Board of Education, with having libelled him in the February number of their publication by calling "that fine old educational mastodon." indictment is dismissed because the legal evidence before the Grand Jury does not prove that the alleged crime was committed within the jurisdiction

The opinion handed down by Judge Cowing is as

This is a motion to set aside an indictment upon we grounds, viz.: First, that there was not suffi-ient legal evidence before the Grand Jury to war-ant the finding of the indictment; and, second, that he Grand Jury received and acted upon illegal

on 258 of the Code of Criminal Procedure is that the Grand Jury shall only find an nent when all of the evidence before them mexhisined and uncontradicted would justify iction by a trial jury, and a trial jury can onvict where all the material allegations and in the indictment are established by legal

contained in the indictment are established by legal evidence. The Court of General Sessions, generally speak. The Court of General Sessions, generally speaking is limited in its jurisdiction to crimes committed in the county of New-York, and it therefore secones necessary to allege and prove that the secones necessary to allege and prove that the rime charged was committed within the county of New-York in order to show that it comes within the jurisdiction of the court.

After careful examination of the Grand Jury minutes I find no legal evidence that the alleged crime was committed in the county of New-York. There is no legal evidence that at the time of the publication of the alleged libel the complainant resided in the county of New-York, or that the periodical containing the alleged defamatory article was printed in the county of New-York; and the only legal evidence of the publication of the article was given by the witness Henry S. Fuller, who testified on the point as follows:

d on the point as follows: You know The Educational Review? A.—

-You know that it is edited by Nicholas Mur-dutler and published by the firm of Henry & Co. composed of Charles and Henry Holt?

Holt & Co., composed of charies and henry Holt?

A—Tes. slr.

"Q—Did you receive their copy of 'The Educational Review', Vol. 17, No. 2, Whole \$2, February Number, 1850." A—Yes, slr.

"Q—You know 'The Educational Review' here produced and exhibited to you is the paper published by Messrs, Holt & Co., and edited by Nicholas Murray Butler? A—Yes, sir. I received the number you have from them in exchange."

The above is all of the legal evidence there is in the minutes of the Grand Jury to prove the publication of the alleged libel, and from this it will be observed that the witness does not state when he received it or where he received it.

For the reason that the legal evidence before the Grand Jury does not prove that the alleged crime was committed within the jurisdiction of the court the motion to set aside the indictment is granted.

District-Attorney Gardiner when seen on the sub-District-Attorney Gardiner when seen on the subject said: "If the indictment has been set aside on a technicality, of course it will be resubmitted to the Grand Jury."

A LECTURE ON "SAMOA."

An entertainment will take place at the Berkeley Lyceum, West Forty-fourth-st., in aid of the Fresh Air Fund of the Wayside Workers on May 5 at 3:30 o'clock. Commander Harrie Webster, of the United States Navy, will deliver a lecture or "Samoa, Its People, Their Customs and Costumes." Commander Webster was one of the officers on board the Vandalia at the time of the terrible storm which wrecked several warships and caused much loss of life. Having spent much time in Samoa, Commander Webster can speak from positive knowledge and experience on the place and people. The Packer Glee Club of fifty voices, under the direction of R. Huntington Woodman. Miss Katharine Lee Jones, Mrs. W. D. Spicer and others have generously volunteered their musical services. Miss Adele Lewing, planiste, will also take part. The patronesses are Mrs. John W. Philip, Mrs. William T. Sampson, Mrs. John W. Philip, Mrs. William T. Sampson, Mrs. John W. Moore, Mrs. J. Escourt Sawyer, Mrs. W. B. Boorum, Mrs. C. E. Hitchings, Mrs. Francis Lynde Stetson, Mrs. Thomas J. Owen, Mrs. Thomas J. Cauldwell, Mrs. L. McIntosh Ward, Mrs. J. Redfern Mount, Miss Elizabeth C. Howe, Mrs. F. W. B. Eschmann and Miss Nellson, Tickets, at 75 cents, are now on sale at the box office. commander Webster was one of the officers on

THE POINT LOWA CONGRESS.

Part of the large party of delegates to the Congress of the Universal Brotherhood and Theosophical Society returned yesterday from San Diego, Cal., where the congress was held. The School for the Revival of the Lost Mysteries of acres at Point Loma, overlooking San Diego Bay, acres at Point Loma, overlooking San Diego Bay, and there, in the open air, for ten days the congress was in continuous session. Over six hundred delegates from every part of the world were in attendance, many having travelled over 5,000 miles to attend. The meetings were held in a spacious amphitheatre. Athenian style, in the open air. The Greek drama, "Eumenides," by the celebrated Eschylus, was performed by the members of the organization five times before large audiences, varying from 1,500 to 2,000 people, from San Diego. Mrs. Katherine A. Tingley presided at all the meetings. During the congress she rededicated the School for the Revival of the Lost Mysteries of Antiquity.

Antiquity.

A large public meeting will be held in the hall of the Aryan Theosophical Society. No. 114 Madison-ave., Sunday evening at 8 o clock, at which the returning delegates will tell of the congress and explain the objects of the Universal Brotherhood and Theosophical Society.

PLANS FOR A HOME FOR NURSES. Plans were filed with the Buildings Department

yesterday for a seven-story brick and stone home for nurses, the gift of H. C. Fahnestock, in memory of his wife. It is to be built for the Post-Graduate Hospital at Nos. 302 and 306 East Twen-tieth st. opposite the hospital buildings. The esti-mated cost is \$75,000.

JUMPED OR FELL BEFORE TRAIN.

Dalcaser Rabadam, forty-seven years old, a Spanish cigarmaker, living at No. 1.928 Lexington-ave., jumped or fell before a southbound train on the Third-ave, elevated line at One-hundred-and-sixteenth-st. yesterday morning. Rabadam was examined, and, aside from a scalp

wound and a few bruises and contusions, no in

juries were discovered. Rabadam was taken to the Harlem Hospital. He was conscious, but refused to give anything further than his name, address

to give anything further than his name, address and vocation.

When Rabadam jumped or fell the greatest excitement prevailed on the platform. Women screamed and rushed back, while those in the rear pressed forward to see what had happened. One man, whose name could not be learned, who was standing near Rabadam, fell fainting to the floor of the platform. He was carried into the waiting room of the station, where it was found that his face was cut. He was taken from the station and assisted to a nearby drug store.

Mrs. Rabadam called on her husband in the hospital. She said that her husband was an excessive smoker, and suffered from extreme nervousness and insomnia.

and insomnia.

Rabadam was taken to the Harlem Court in the afternoon. He was supported by two policemen. He said he had no intention of killing himself. On his wife's promise to take him home and be careful with him. Magistrate Flammer discharged Rab-

MRS. WALBAUM GETS A DIVORCE.

Justice Stover in the Supreme Court yesterday signed a decree by which Josephine Walbaum obtained an absolute divorce from Gottfried Wal-baum, the turiman. The decree was filed in the County Clerk's office, but at the request of counsel all the papers with the exception of the decree were sealed. The name of the co-respondent is not

were sealed. The name of the co-respondent is not known.

Walhaum is notorious on all the racetracks of the country. He is referred to as "Dutch Fred." and for many years his racing stable was an important figure on the running turf. He was one of the principal owners of the infamous Guttenburg track, and was identified with the Hudson County "Big Four" when they were a power in New-Jersey politics. He is largely interested in the Saratoga tacetrack.

It is understood that by the terms of the decree

tracetrack.

is understood that by the terms of the decree baum makes a liberal allowance to his wife. matrimonial difficulties of the pair have been usually aired before the public.

 $\bullet \bullet \bullet$ The Food you should not eat

is what JOHNSON'S DIGESTIVE TABLETS are specially useful for. PUT UP IN BLUE BOTTLES. 00000000000000

TRANSATLANTIC TRAVELLERS.

PASSENGERS ON INCOMING AND OUTGOING

The Hamburg-American ship Fürst Bismarc reached this port from Hamburg yesterday, bringing, among others, Baron von Bismarck-Plate, Dr. Amandon, Dr. H. Brunhoff, Dr. and Mrs. Becker, Mr. and Mrs. E. J. Baldwin, Mr. and Mrs. George Henry Binney, Mr. and Mrs. Russel S. Codman, Miss Virginia Keating Campbell, William P. Draper, D. S. Draper, C. F. Dewey, Mr. and Frank A. Day, John C. Diehl, Mr. and Mrs. Charles F. Farlow, John F. Greves, James J. Hayden, R. D. Hull, Mr. and Mrs. John Henry Livingston, A. F. Lewis, Mr. and Mrs. Harry L. Montagne, Mr. and Mrs. James H. Park, J. Perkins, Edward Rickert, Mr. and Mrs. Charles A. Strong, Dr. Julius Sachs, Mr. and Mrs. Peter Sass, S. B. Salomon, Arthur Tuckman, Douglas M. Wylie, August Weil, Martin J. Well and Lewis B.

Among those who will sail from here to-day for Liverpool on the Cunard Line steamship Umbria are Signer Mapleson, Eli C. Ash, Felix P. Bath, A. W. Balderston, Mrs. Henry D. Brewster, F. A. W. Balderston, Mrs. Henry D. Brewster, r. Walter Bailey, W. C. Church, Robert Cordner, Mr. and Mrs. M. K. Eyre, Mr. and Mrs. F. Frankland, E. Marshall Fox, Arthur Goldthorpe, F. Guttridge, Miguel Juan Girard, P. Greenpan, Hewitt, Mr. and Mrs. James J. ginson, C. L. Haligarten, E. H. Harrison, Mr. and Mrs. John H. Hodgson, S. H. Levy, Mrs. Charles H. Marshall, Mr. and Mrs. W. Moore, Max Moser, Charles Neumann, William E. Renard, John T. Rayner, the Rev. Dr. Judson Smith, F. J. Stevens, Edward Strasser, J. B. Upright, W. Walford, J. Broadhead Woolsey, James right, W. Walford, J. Broadhead Woolsey, James Ward, Frank Wiggin, and Mr. and Mrs. Joshua Wilbour, United States Consul at Dublin.
On the Holland-American steamship Spaarndam there will sail for Rotterdam to-day J. W. Althouse, H. C. Baartman, Arthur J. Bohmer, the Rev. Dr. G. H. Braun, T. G. Chambard, Dr. Floyd S. Crego, James E. Gillette, Mr. Mansfield, Mrs. Mansfield, O. T. Peterson, Professor V. Snyder and C. G. Wright.

O. T. Peterson, Professor V. Snyder and C. G. Wright.

These will start for Havre on the French liner La Gascogne: Dr. Charles Alker, Henry Cox, Jules Fleury, E. Gilbert, S. H. Hicks, G. May, Countess Mortera, R. V. Perini and Count Pompeo Pieri, The Hamburg-American steamship Pennsylvania, bound for Hamburg, will carry Frederick L. Block, Jacob Bernheimer, A. R. Charlton, E. Choppin, Dr. Edward Engel, Charles Felix, Jacob Friedman, August Giese, Ernst Gaier, George L. Graves, H. Gathmann, John B. Hoecker, Joseph Hermann, Dr. A. M. Hurlbutt, Charles Hennick, Robert H. Hilbert, Otis A. Kenyon, Charles P. Kroll, Dr. E. L. Mellus, Frederick H. Mont, William Mertens, C. E. Meyer, William Peter, Thomas H. Pratt, J. D. Probst, Henry Rich and Samuel L. Weil.

TO THE MAYOR'S DEFENCE.

MAGISTRATE CRANE REBUKES A REFERENCE TO THE FRENCH BALL INCIDENT.

A Republican City Magistrate, sitting in Yorkville Court, yesterday rebuked a lawyer who had re-ferred to an episode in the life of Mayor Van Wyck. The Magistrate, Leroy B. Crane, said that the re-mark was extremely unfair. The lawyer is Benjamin L. Ludington, who appeared for Jeffrey B. Bristow, a colored man, who had been arrested on a charge of intoxication and abusing his wife and children. The woman had made the complaint. They live at No. 234 East Seventieth-st. Ludington said that the man had a good reputation for sobriety and faithfulness, and he asked for the man's discharge.

"It is his first offence of this kind, Your Honor." said the lawyer. "Why, the best of people get drunk once in awhile. Even the Mayor of New-York was arrested on one occasion for being intoxi-

York was arrested on one occasion for being making cated."

Magistrate Crane quickly said indignantly:
"I consider your language unfair in making such an allusion to the Mayor of this city. I am a Republican, and he is a Democrat, but I respect him as Mayor of this city. It is extremely unfair to make any such remark as that in a public place. We all make mistakes in life, and we should feel charitably inclined to one another."

Ludington said he was sorry, and added: "I had no intention of insulting the Mayor. I only cited the matter as an example to show that others got drunk as well as my client."

Magistrate Crane refused to dismiss the man, saying that the charge of abuse was too serious, and held Bristow in \$500 bonds for his good behavior for six months. The bond was furnished.

THE FALL AND RISE OF DOLGEVILLE.

According to 'The Dolgeville Herald," the village of Dolgeville is reopening its factories.

Alfred Dolge, after whom the village was named, came from Germany to America some fifty years ago, and began peddling leather, felt and other small articles necessary to New-York piano man-ufacturers. The same man later testified that the value of the Dolge properties in the village which he had founded was \$2,000,000, and that the earnings from his business from 1893 to 1896, years of the hardest depression, showed an average yearly profit of \$186,000. He came in 1874 to Dolgeville, which was then a small hamlet called Brackett's Bridge, and whose only manufactory was a tannery plant, which was bought by Mr. Dolge. There were hardly two hundred people living in that part of Herkimer County, on the banks of the Mohawk. Alfred Dolge was poor, and all of his capital was employed in the business. He began to manufacture piano felt and piano sounding-boards. He maintained headquarters for his business in New-York. tained headquarters for his business in New-York. and for nearly twenty-five years it had been his custom to spend three days in New-York and three in Dolgeville each week. One day of the week he spent on the road. In his early career he was too poor to enjoy the luxury of a horse and carriage, and it was his custom to walk eight miles from Dolgeville to Little Falls each week on his trip to New-York. The same walking had to be done on the trip from the metropolis to Dolgeville. "But." as says "The Saturday Globe." "Mr. Dolge's energy and capacity for work were something phenomenal. His business grew and prospered, new lines were introduced and in the last ten years of his career he had millions at his disposal. It has been said that Mr. Dolge was visionary. He may have been, but he was much in earnest. Put another man in Alfred Dolge's place and let him pass through the experiences he has had, and the chances are that he will collapse entirely." This collapse happened, anyhow, through a sad misunderstanding of market conditions and in handling the assets of the firm. If Mr. Dolge, now on his way to the western part of the United States, is the chief sufferer by it, he loved too much the village he had brought from two hundred to fifteen thousend inhabitants, and endowed with all the improvements of a new American city, not to have his own grief soothed at the thought that Dolgeville, after one year of silence, is hearing again the noise of the factories which have made the village rich and lamous.

"DEWEY DAY" IN THE SCHOOLS. and for nearly twenty-five years it had been his

"DEWEY DAY" IN THE SCHOOLS.

From the flagpoles of all the public schools on Monday next, "Dewey Day," will float the Stars and Stripes. Other decorations in keeping with the occasion will adorn the outside of the buildings, as occasion will adorn the outside of the buildings, as well as the class and study rooms. This course was decided upon yesterday by Superintendent Jasper, who, through Clerk McMullen, of the School Board of the boroughs of Manhattan and The Bronx, summoned all the principals of the public schools, primary and grammar grades, before him, for the purpose of giving instructions with regard to the proper celebration of the day and the programme of exercises that will be carried out.

A WARRANT FOR MRS. VAN AUKEN. Mrs. Barrett H. Van Auken, who has been suffering from morphine poisoning in Bellevue Hos-pital all this week, was placed under arrest there on Thursday night on a warrant issued by Magis-trate Cornell in the West Side Court. She is charged with grand larceny and unlawful conver-

sion of property. The complainant is William Myli-us, a piano dealer, of No. 12 Union Square. Myllus read of the case of Mrs. Van Auken in the Mylius read of the case of Mrs. van Ausen in the newspapers and said he recognized from the description a woman who had bought a piano from him a year ago. She was to have paid 550 for the instrument, and she paid down \$175. She has never paid the balance of \$225 Mr. Mylius alleges.

The woman's condition is improving, but she will not be able to go to court for a day or two.

COURT CALENDARS FOR TO-DAY.

Supreme Court—Special Term—Part II—Before Bookstaver J.—Court opens at 10:30 a m. Ex parte matters. Surrogate's Court—Chambers—Before Fitzgerald, S.—Surrogate's Court—Chambers—Before Fitzgerald, S.—Surrogate's Court—Chambers—Before Fitzgerald, S.—Surrogate's Court—Special Term—Before Conian, J.—Court opens at 10:30 a m. Motions at 10:30 a. m.

REFEREES APPOINTED. Supreme Court By Truax, J.

Matter of Goodrich-Richard M. Henry. Matter of Interleke Vineyard Company-Almet R. Lat-Matter of New-York Bowery Fire Insurance Company-Wilber McBride,

By Bookstaver, J.

Matter of Southern Company of New-Tork-A. S.
forton. Norton.

Cornell agt. Disano—Louis B. Hasbrouck.

Equitable Life Assurance Society of United States agt.

Hughes (three cases)—S. L. H. Ward.

Kimberly agt. Gidersieeve—John Yard.

Jacobs ogt. Larkin—David R. Daly.

DESCRIPTION ADDINITED.

RECEIVERS APPOINTED. Supreme Court. By Truax, J.
Thomas R. A. Hall agt. George W. Allen et al.-A. J. Goddard. Charles W. Truslow agt. Richard White et al.—John Charles W. Truslow agt. Richard White et al.—John Wary A. McLaughlin agt. William Broadcelt et al. (two Cases)—James P. Gaul.

NO RENEWAL OF JACK'S LICENSE.

HIS THEATRE WILL HAVE TO CLOSE ON MONDAY The Police Commissioners yesterday considered a large number of applications for renewal of licenses of theatres and music halls in the various boroughs. With one exception all of the theatres received new licenses from May 1. The Board denied the application to renew the license of Sam T. Jack's Theatre, at No. 1,195 Broadway. President York said that there had been numerous con plaints of the character of the performances given plaints of the character of the performances given at Jack's theatre, and that on several occasions the police were compelled to interfere and cause the manager to make a change in the performances. Mr. York declared that police officers had been detailed to get evidence against the theatre, and for the reasons mentioned the Board refused to issue a new license. The theatre will have to close on Monday.

Renewals of licenses were refused to a number of concert halls. The license of the Dewey Theatre, in East Fourteenth-st., in which Senator Timothy "Dry Dollar" Sullivan is interested, was among those renewed.

CHIEF BONNER'S SUCCESSOR.

Fire Chief Hugh Bonner, who is to retire on a pension on May 1, was in his office at Fire Headquarters as usual yesterday. John J. Scannell, the Fire Commissioner, said he had not decided whom to make acting chief of the Department pending the appointment of a chief to succeed Mr. Bonner. the appointment of a chief to succeed Mr. Bonner. He might try all three of the deputy chiefs in turn, he said, in order that each of them might have an opportunity to show fitness for command of the Department. The appointment of Mr. Bonner's successor, Mr. Scannell said, would depend upon the standing of the applicants for the place in a Civil Service examination.

"I have no preference myself," he said, "and I hope the best man will win first place in the examination."

THE NEW STEAMER HAMILTON HERE. The new steamer Hamilton, an addition to the Old Dominion Line fleet, running between New-York and Norfolk, reached this port yesterday direct from the shipyards at Chester, Penn., to go into commission. The Hamilton is a counterpart n size and general appearance of her sister ship the Princess Anne, which was put on the route last year. The Hamilton is 315 feet long, 42 feet beam and 27 feet deep. She has triple-expansion engines of 3,400 horse-power and her speed is seventeen knots. The Hamilton has accommodations for one hundred and twenty first-class passengers and forty-seven steerage passengers.

Enropean Adpertisements.

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The Ghezireh Palace, Egypt.
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The La Plage, Relgium,
OSTENDBelgium. Chateau Royal,
ARDENNE Belgium.
Parillon de Rellevne.
BELLEVIE, near Paris France.
Hotel Stephanie,
ABBAZIA Austria. The Gd. Hotel International.
BRINDISIItaly.
The Avenida Palace,
LISBON
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THERAPIATurkey.
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LEAMINGTON-For Kenliworth Castle and Guy's STRATFORD-ON-AVON-Shakespeare's birth-

OXFORD—The City of Colleges.

WORCESTER, HEREFORD, GLOUCESTER & BRISTOL—Cathedrai Cities.
BATH—For the Roman Baths & Abbey.
SLOUGH—For Stoke Park, which belonged to William Penn. the founder of Pennsylvania.

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—Constanza Express—Constanza & Constantinople.—Rome Express—Genoa, Rome & Naples, INTERNATIONAL SLEEPING CAR CO., 14 Cockspur St. London.—3 Place de l'Opera, Paris. 14 Cockspur St., London -3 Place de l'Opera, Paris.

Hotels in the British Isles.

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SHANKLIN-ISLE-OF-WIGHT HOLLIER'S SHANKLIN HOTEL
WINCHESTER THE GEORGE HOTEL
WOOLACOMBE BAY HOTEL, (North Devon.) WOOLACOMBE BAY
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